THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.19061 of 2006

Between:

E.Narasimha Sekhar.

.. PETITIONER

and

A.P.State Fiancial Corporation and others.

..

RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

The petitioner questions the letter addressed by the 2nd respondent in AFC/Hyd/2006-07/447, dated 07-08-2006, to the General Manager, BSNL, Hyderabad, who is the employer of the petitioner, stating that the loan advanced in favour of M/s.Balaji Offset Printers, Hyderabad, was not paid and the principal debtor was default in payment of the loan amount and, therefore the principal debtor and the surety holders are liable to pay the loan amount. In the said context, the 2nd respondent issued the said letter to the employer of the petitioner stating that the petitioner was one of the guarantors to the said loan. Accordingly, the employer of the petitioner was requested to advise the petitioner to liquidate and fulfill his liability in respect of the said loan advanced to the principal debtor.

A perusal of the said letter goes to show that a request was made to attach the salary of the petitioner. If the petitioner was one of the guarantors to the said principal debtor, it is for respondents 1 and 2 to take appropriate action against the principal debtor as well as surety holders in accordance with law. But, I am of the opinion that under none of the provisions of the State Financial Corporations Act, 1951, the 2nd respondent is entitled to address the said letter advising the employer of the petitioner to liquidate and fulfill his liability in respect of the loan advanced to the principal debtor i.e., M/s.Sri Balaji Offset Printers, Hyderabad.

Having regard to the facts and circumstances of the case, the writ petition is allowed setting aside the impugned proceedings of the 2nd respondent, dated 07-08-2006. There shall be no order as to costs.

_____

09-04-2007

Prv